



KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde D. Graeber, Secretary

Implementation of New State Illegal Dump Clean-Up Program

On July 1, 2000, the provisions of House Bill 2860 went into effect. As a result, KDHE is now authorized to utilize the solid waste management fund to clean-up illegally dumped solid waste. However, KDHE can only use these funds if the city and/or county in which the waste was dumped agrees to contribute 25 percent of the cost of clean-up. Before performing any clean-up work, KDHE must find that the dump creates a public nuisance or adversely impacts public health or the environment. In addition, the party responsible for the dump must be given proper notification of the finding and an opportunity to carry out the required clean-up work. Depending on the circumstances related to a specific site, KDHE may or may not attempt to recover the clean-up costs from responsible parties.

We encourage individuals, cities, and counties to participate in this new program. You may be aware of one or more unsightly and potentially dangerous dumps in your county. This is your chance to eliminate those dump at minimal cost to the county. KDHE has developed the following plan for implementing this new program:

- Step 1 - Cities and counties nominate sites for clean-up using the KDHE "Illegal Dump Notification and Information Form" (copy attached). Individuals may also nominate sites for clean-up in the same way provided they have coordinated with appropriate city or county officials.
- Step 2 - KDHE periodically prioritizes sites based upon appropriate factors related to nuisance and risks to public health and the environment.
- Step 3 - On a site-by-site basis, KDHE corresponds with responsible parties and simultaneously enters into a cooperative clean-up agreement with the city or county which will be assisting in the clean-up effort.
- Step 4 - KDHE and the affected city or county complete the clean-up work.
- Step 5 - KDHE initiates cost recovery actions when appropriate.

To help you decide whether to participate in this program, some of your possible questions are answered below:

What types of dumps are eligible for clean-up under this program?

Only non-hazardous solid waste may be cleaned up under this program. Typical wastes to be cleaned up will likely be household trash, construction & demolition debris, furniture, and appliances. This program is designed for small to medium-sized dumps, not large illegal sites that have been used for extended periods of time. KDHE may spend no more than \$10,000 per site. Only illegal dumps may be cleaned up. This means that dumps located on farmers and ranchers property that were legally created under the permitting exemption for land disposal on one's own property are not eligible for clean-up under this program. This does not prevent innocent landowners from participating in this program when their farms or ranches were illegally dumped on by a third party.

Can a private citizen nominate a site for this program?

Yes, a private citizen can nominate an illegal dump site by completing an Illegal Dump Notification and Information Form and mailing it to KDHE. However, the notification form must be submitted to the appropriate city or county official for signature of the Local Government Statement of Intent (a part of the notification form) prior to submitting the form to KDHE.

How can a city or county make their 25 percent match?

Cities or counties may contribute cash to make their match; however, we anticipate that "in-kind" services will be more commonly used to match the state expenditures. Types of "in-kind" services that will be acceptable include labor, equipment, transportation, supplies, and landfill space in a city or county-run landfill.

Can a city or county complete the entire clean-up project and receive reimbursement from the state for their services?

If the most efficient way to complete a clean-up project is to allow the city or county to carry out all of the work, KDHE is willing to enter into a contract with the city or county which stipulates a payment method for work which exceeds the required 25 percent match.

If KDHE is successful in recovering clean-up costs from responsible parties, will the city or county receive any of those funds?

The city or county will receive 25 percent of any recovered funds.

If the estimated cost to clean-up an illegal dump exceeds \$10,000, can the city or county contribute more than 25 percent in order to take advantage of this program?

Yes, a city or county can enter an agreement which stipulates willingness to cover any clean-up costs which exceed the state \$10,000 contribution plus their 25 percent match. In other words, the city or county would need to cover any costs of clean-up and disposal exceeding \$13,333.

When does KDHE expect to perform the first clean-up work under this program?

Probably not until early in 2001.

Please feel free to share the attached site notification form with anyone in your county to identify sites. In order for KDHE to consider an identified site, a local government official must sign the

“Statement of Intent” on the back of the form. This statement is not the official county and state agreement which will need to be finalized before any clean-up work begins. We have separately mailed the notification form to every city within your county. In some cases, it may be appropriate and desirable for cities and counties to coordinate the submission of forms.

All completed forms should be sent to Bill Bider at the address shown at the bottom of the notification form.

If you have any questions regarding this program, please feel free to contact me at (785) 296-1612 or wbider@kdhe.state.ks.us. We look forward to working with cities and counties to clean up illegal dumps and make our state safer and cleaner.